

120001100

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

**CODE OF VIRGINIA
§ 45.1-361.26**

BEFORE THE VIRGINIA GAS AND OIL BOARD

RELIEF SOUGHT: An Order for Disbursement of Escrowed Funds
(and Authorization for Direct Payment of Royalties)

JURISDICTION: *Code of Virginia* § 45.1-351. (et seq) AND § 45.1-361.22 (et seq)

UNIT/WELL NAME: U-28
TRACT(S): a portion of Tract 1
(Royalties currently being paid under
VP2SGU, VGOB 02-0319-1008)
LOCATION: Buchanan County, Virginia

DOCKET NUMBER: VGOB-97-0218-0564-02

APPLICANTS: CNX Gas Company LLC on behalf of Carold Cole Owenby, Barbara Cole Maxwell, and Bill Chambers, and Yukon Pocahontas Coal Company et al including Yukon Pocahontas Coal Company, Buchanan Coal Company, Sayers-Pocahontas Coal Company, and Plum Creek Timberlands, L.P.

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia
February 15, 2011 and November 15, 2011.

APPEARANCES: Mark Swartz, of Swartz Law Offices, PLLC, on behalf of CNX.

PRIOR PROCEEDINGS:

1. Original Pooling Order, Executed 07/16/1997; Recorded 07/29/1997, Deed Book 465, Page 7.
2. Supplemental Order, Executed 10/02/1997; Recorded 10/21/1997, Deed Book 469, Page 216.
3. Disbursement Order -01, Executed 11/06/2008; Recorded 11/12/2008, Instrument #080004209.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the February 15, 2011 hearing. This petition was continued several times because of an error and overpayment in the -01 Disbursement. Once corrected and overpayment recouped, the petition was heard November 15, 2011 where the Board considered whether to:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract 1 identified in the attached miscellaneous petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract 1 relative to the interests of the Applicants identified in the attached miscellaneous petition.
- (3) Continue the escrow account under this docket number.

FINDINGS: *Code of Virginia* § 45.1-361.22

Applicant has certified and represented to the Board that:

1. The owners of the coal estate for Tract 1 are Yukon Pocahontas Coal Company et al including Yukon Pocahontas Coal Company, Buchanan Coal Company, Sayers-Pocahontas Coal Company, and Plum Creek Timberlands, L.P. for the subject drilling unit.
2. The owners of the gas estate for a portion of Tract 1 are Carol Cole Owenby, Barbara Cole Maxwell, and Bill Chambers, for the subject drilling unit.
3. For Tract 1 the aforementioned owners have entered into a royalty split agreement consisting of (50/50) as referenced in the attached miscellaneous petition, as shown in Table 1.

RELIEF GRANTED:

VGOB Approved Disbursement
VGOB-97-0218-0564-02
U-28

Table 1
(a portion of Tract 1)

Item	Tract	Disbursement Table	Fractional Ownership in Tract	Net Acreage Ownership in Tract	Royalty Split Agreement	Escrowed Acres Disbursed	Percent of Escrowed Funds Disbursed
		Total acreage in escrow before disbursement (per CNX testimony and Exhibit A-1)				19.7680	
	I	Tract I total acreage	24.64				
1	I	Carol Cole Owenby - O & G 2908 Valley Farm Rd., Waxhaw, NC 28173	1/140	0.1760	50.0%	0.0880	0.4452%
2	I	Barbara Cole Maxwell - O & G 5780 Chickwood Dr., Pulaski, VA 24301	1/140	0.1760	50.0%	0.0880	0.4452%
3	I	Bill Chambers - O & G 8940 Mill Creek Road, Millboro, VA 24460	1/35	0.7040	50.0%	0.3520	1.7807%
	I	combined oil and gas estate disbursement acreage subtotal	1.0560				
	I	Yukon Pocahontas Coal Company, et al.					
1	I	Yukon Pocahontas Coal Company, LLP - Coal P.O. Box 187, Tazewell VA 24651	1/2	0.5280	50.0%	0.2640	1.3355%
2	I	Buchanan Coal Company, LLP - Coal P.O. Box 187, Tazewell VA 24652	1/9	0.1173	50.0%	0.0587	0.2968%
3	I	Sayers-Pocahontas Coal Company - Coal P.O. Box 187, Tazewell VA 24653	1/18	0.0587	50.0%	0.0293	0.1484%
4	I	Plum Creek Timberlands, LP (Retained CBM Interest) - Coal Attn: Mineral Department, One Concourse Parkway, Suite 755, Atlanta, GA 30328	1/3	0.3520	50.0%	0.1760	0.8903%

1. The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed in Table 1.

2. The Escrow Agent is ordered to continue the Escrow Account for the Subject Drilling unit based on the attached Revised Exhibit E which replaces all prior Exhibit E's recorded for the Subject Drilling Unit.

CONCLUSION:

Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted **and IT IS SO ORDERED.**

APPEALS:

Appeals of this Order are governed by the provisions of the *Code of Virginia* § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

Effective Date:

This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 17 day of April, 2012, by a majority of the Virginia Gas and Oil Board.

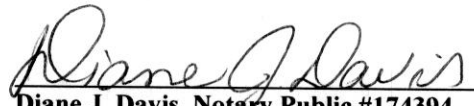

Bradley C. Lambert, Chairman
Virginia Gas and Oil Board

DONE AND PERFORMED this 17th day of April, 2012 BY Order of the Virginia Gas and Oil Board.


Rick Cooper, Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL)

Acknowledged on this 17th day of April, 2012, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and Rick Cooper, being duly sworn did depose and say that he is Acting Principal Executive to the Staff of the Virginia Gas and Oil Board, that they executed the same and were authorized to do so.


Diane J. Davis, Notary Public #174394

My commission expire: 09/30/2013



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 97-0218-0564-02

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 1
(Royalties currently being paid under
VP2SGU, VGOB 02-0319-1008)

HEARING DATE: February 15, 2011

DRILLING UNIT: U-28

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, 2481 John Nash Blvd., Bluefield, West Virginia 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC**, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.
2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 1 as depicted upon the annexed Exhibit A-1. (Royalties currently being paid under VP2SGU, VGOB 02-0319-1008)
3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.
4. **Type of well(s):** Coalbed methane.
5. **Factual basis for relief requested:** Yukon Pocahontas Coal Company et al including Yukon Pocahontas Coal Company, Buchanan Coal Company, Sayers-Pocahontas Coal Company, Plum Creek Timberlands L.P and Carold Cole Owenby, Barbara Cole Maxwell, and Bill Chambers have entered into a royalty split agreement. The Annexed Exhibit A-1 specifies how said royalties are to be divided and paid.
6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

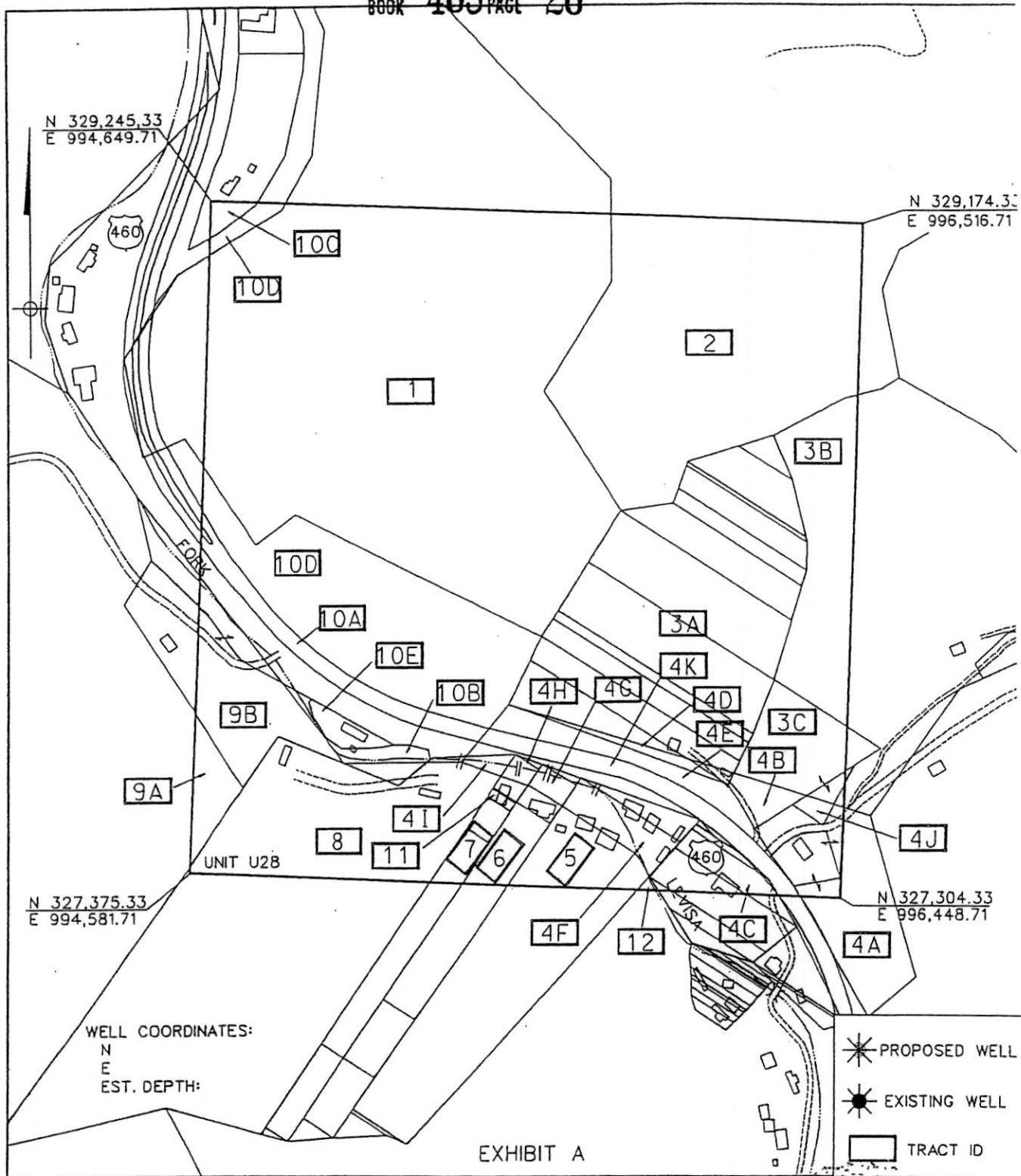
CNX GAS COMPANY LLC
BY IT'S PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By: _____

Anita D. Duty
Pooling Supervisor
CNX Gas Company LLC
2481 John Nash Blvd.
Bluefield, West Virginia 24701

C-June

4



VG0B-97-0218-0564

Company CONSOL INC. Well Name and Number CLAUDE D. KEEN MOUNTAIN
 Tract No. _____ Elevation _____ Quad _____
 County BUCHANAN District _____ Scale 1"=400' Date 01/17/1997
 This plat is a new plat xxx ; an updated plat _____ or a find plat _____

CONSOL Inc.
CBM U-28
Tract Identifications
DGO-GO-7 Attachment

1. 4/5 Yukon Pocahontas Coal Company, et al - Tr. 110
1/5 C. L. Ritter Lumber Co. Tr. 51
Coal Oil and Gas
Island Creek Coal Company - Coal Below Tiller
Permac Coal Company - Coal above drainage
Buchanan Production Company - CBM, Oil & Gas Lessee
Yukon Pocahontas Coal Company, et al - Surface
24.64 acres - 30.8000%
2. Yukon Pocahontas Coal Company, et al - Tr. 40
Coal Oil and Gas
Island Creek Coal Company - Coal Below Tiller
Permac Coal Company - Coal above drainage
Buchanan Production Company - CBM, Oil & Gas Lessee
Andrew Deskins - Surface
11.91 acres - 14.8875%
3. Yukon Pocahontas Coal Company, et al - Tr. 40
Coal Oil and Gas
Island Creek Coal Company - Coal Below Tiller
Permac Coal Company - Coal above drainage
Buchanan Production Company - CBM, Oil & Gas Lessee
16.00 acres - 20.0000%
- 3A. B. J. Horton - Surface
- 3B. Ronald Matney - Surface
- 3C. Cody Harman - Surface
4. Yukon Pocahontas Coal Company, et al - Tr. 11-3
Coal Oil and Gas
Island Creek Coal Company - Coal Below Tiller
Permac Coal Company - Coal above drainage
Buchanan Production Company - CBM Lessee
Buchanan Production Company - CBM, Oil & Gas Lessee
6.63 acres - 8.2875%
- 4A. Thelma Addison - Surface
- 4B. Cody Harman - Surface
- 4C. Glenn Matney - Surface
- 4D. B. J. Horton - Surface
- 4E. Yukon Pocahontas Coal Company et al. - Surface

- 4F. Gussie Johnson - Surface
- 4G. Kathy Looney - Surface
- 4H. Larry Stacy - Surface
- 4I. Roscoe Deskins - Surface
- 4J. Cody Harman - Surface
- 4K. Virginia Department of Transportation - Surface
- 5. Hugh MacRae Land Trust - Tr. 17 - Coal- Coal
Coal Lessees
Island Creek Coal Company - Pocahontas No. 3 seam
United Coal Company - Coal above drainage
Consolidation Coal Company - Coal below drainage
Buchanan Production Company - CBM, Oil & Gas Lessee
Gussie Johnson - Surface, Oil & Gas
1.23 acres - 1.5375%
- 6. Hugh MacRae Land Trust - Tr. 17 - Coal
Coal Lessees
Island Creek Coal Company - Pocahontas No. 3 seam
United Coal Company - Coal above drainage
Consolidation Coal Company - Coal below drainage
Buchanan Production Company - CBM, Oil & Gas Lessee
Kathy Looney - Surface, Oil & Gas
0.75 acres - 0.9375%
- 7. Hugh MacRae Land Trust - Tr. 17 - Coal
Coal Lessees
Island Creek Coal Company - Pocahontas No. 3 seam
United Coal Company - Coal above drainage
Consolidation Coal Company - Coal below drainage
Buchanan Production Company - CBM, Oil & Gas Lessee
Selma J. Mullins - Surface, Oil & Gas
0.49 acres - 0.6125%
- 8. Hugh MacRae Land Trust - Tr. 17 - Coal
Coal Lessees
Island Creek Coal Company - Pocahontas No. 3 seam
United Coal Company - Coal above drainage
Consolidation Coal Company - Coal below drainage
Buchanan Production Company - CBM Lessee
Roscoe Deskins - Oil & Gas
5.18 acres - 6.4750%

9. Hugh MacRae Land Trust - Tr. 6 - Coal
Coal Lessees
Island Creek Coal Company - Pocahontas No. 3 seam
United Coal Company - Coal above drainage
Consolidation Coal Company - Coal below drainage
Buchanan Production Company - CBM Lessee
Consolidation Coal Company - Oil & Gas
3.18 acres - 3.9750%
- 9A. Consolidation Coal Company - Surface
- 9B. Darrell Meadows - Surface
10. Yukon Pocahontas Coal Company, et al - Tr. 99
Coal, Oil & Gas
Coal Lessees
Island Creek Coal Company - Coal Below Tiller
Jewell Smokeless Coal Corp.
Permac, Inc.
Buchanan Production Company - CBM Lessee
9.84 acres - 12.3000%
- 10A. Virginia Department of Transportation - Surface
- 10B. Darrell Meadows - Surface
- 10C. Roscoe Deskins - Surface
- 10D. Yukon Pocahontas Coal Company et al. - Surface
- 10E. Gus Vandyke - Surface
11. Hugh MacRae Land Trust - Tr. 17 - Coal
Coal Lessees
Island Creek Coal Company - Pocahontas No. 3 seam
United Coal Company - Coal above drainage
Consolidation Coal Company - Coal below drainage
Buchanan Production Company - CBM Lessee
Larry Stacy - Surface, Oil & Gas
0.12 acres - 0.1500%
12. Hugh MacRae Land Trust - Tr. 17 - Coal
Coal Lessees
Island Creek Coal Company - Pocahontas No. 3 seam
United Coal Company - Coal above drainage
Consolidation Coal Company - Coal below drainage
Buchanan Production Company - CBM Lessee
A. J. Harman Heirs - Surface, Oil & Gas
0.03 acres - 0.0375%

(revised 11/15/2011)

Exhibit A-1
Tract-by-Tract Escrow Calculation
Account Balances as of 10/31/11

Unit U-28
VGOB 97-0218-0564-02
Acres Escrowed: 19.7680

Owners	Tract #	Acres	Total Tract Percent of Escrow	Interest	Owners' Percent of Escrow	Amount Due Owners \$37,800.66
Amount being paid out of Escrow only		1.056				
Yukon Pocahontas Coal Company, LLP, et al. - Coal	1	24.640				
Yukon Pocahontas Coal Company, LLP			0.52800	1/2	1.3355%	\$504.82
Buchanan Coal Company, LLP			0.11733	1/9	0.2968%	\$112.18
Sayers-Pocahontas Coal Company, LLP			0.05867	1/18	0.1484%	\$56.09
Plum Creek Timberlands L.P. (Retained CBM interest)			0.35200	1/3	0.8903%	\$336.55
		11.968				
Yukon Pocahontas Coal Company, LLP, et al. - O&G	1	24.640				
Carol Cole Ownbey			0.17600	1/140	0.4452%	\$168.27
Barbara Cole Maxwell			0.17600	1/140	0.4452%	\$168.27
Bill Chambers			0.70400	1/35	1.7807%	\$673.10

Exhibit E
Unit U-28
Docket # VGOB-97-0218-0564-02
List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit	Division of Interest in		
			2 Left 12.3699%	3 Left 27.5653%	4 Left 3.2092%
<u>Tract #1, 24.64 Acre Tract</u>					
<u>COAL OWNERSHIP</u>					
<u>Tract #1, 24.64 Acre Tract</u>					
Yukon Pocahontas Coal Company, et al. Tr. 110	24.64 acres	30.8000%	3.8099%	8.4901%	0.9884%
(1) Yukon Pocahontas Coal Company, et al. (Only 3/5 interest conflicting)	14.78 acres 3/5 of 24.64 acres	18.4800%	2.2860%	5.0941%	0.5931%
(a) Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	12.32000 acres 1/2 of 24.64 acres	15.4000%	1.9050%	4.2451%	0.4942%
(b) Buchanan Coal Company P.O. Box 187 Tazewell, VA 24651	2.73778 acres 1/9 of 24.64 acres	3.4222%	0.4233%	0.9433%	0.1098%
(c) Sayers-Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	1.36889 acres 1/18 of 24.64 acres	1.7111%	0.2117%	0.4717%	0.0549%
(d) Consolidation Coal Company * 10545 Riverside Dr. Oakwood, VA 24631	8.21333 acres 1/3 of 24.64 acres	10.2667%	1.2700%	2.8300%	0.3295%

* Note: Plum Creek Timberlands retained their CBM interest, there is no conflict. The royalty for (d) is to be paid to Plum Creek.

OIL & GAS OWNERSHIP

Yukon Pocahontas Coal Co. Tr. 110, et al.	24.64 acres	30.8000%	3.8099%	8.4901%	0.9884%
(3) Walter Wade Heirs					
(a) Carl Wade Heirs, Devisees, Successors or Assigns					
(a.1) Emanuel Wade 226 Adam Street Blountville, TN 37617	0.41067 acres 1/60 of 24.64 acres	0.5133%	0.0635%	0.1415%	0.0165%
(a.2) Gaylene Deskins 720 Skyview Drive Chilhowie, VA 24319	0.41067 acres 1/60 of 24.64 acres	0.5133%	0.0635%	0.1415%	0.0165%
(b) Eunice Wade Baldwin Heirs, Devisees, Successors or Assigns Heirs Unknown	0.82133 acres 1/30 of 24.64 acres	1.0267%	0.1270%	0.2830%	0.0329%
(c) Stella Wade Gillespie Heirs, Devisees, Successors or Assigns Heirs Unknown	0.82133 acres 1/30 of 24.64 acres	1.0267%	0.1270%	0.2830%	0.0329%
(d) Glayds Wade Boyd P. O. Box 374 Cedar Bluff, VA 24609	0.82133 acres 1/30 of 24.64 acres	1.0267%	0.1270%	0.2830%	0.0329%
(e) Vinnie Wade Newberry 17339 Days Point Road Smithfield, VA 23430	0.82133 acres 1/30 of 24.64 acres	1.0267%	0.1270%	0.2830%	0.0329%
(f) Eady Wade Smith Heirs					

Exhibit E
Unit U-28
Docket # VGOB-97-0218-0564-02
List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit	Division of Interest in		
			2 Left 12.3699%	3 Left 27.5653%	4 Left 3.2092%
(f.1) Lula Smith Robins Rt. 3, Box 277-M Cedar Bluff, VA 24609	0.20533 acres 1/120 of 24.64 acres	0.2567%	0.0317%	0.0708%	0.0082%
(f.2) Tom C. Smith Heirs no issue					
(f.3) Dolphus Smith 905 Big Creek Road Richlands, VA 24641	0.20533 acres 1/120 of 24.64 acres	0.2567%	0.0317%	0.0708%	0.0082%
(f.4) Raymond S. Smith Heirs, Devisees, Successors or Assigns <i>Heirs Unknown</i>	0.20533 acres 1/120 of 24.64 acres	0.2567%	0.0317%	0.0708%	0.0082%
(f.5) Luther Smith Heirs, Devisees, Successors or Assigns					
(f.5.1) Geraldine Smith 6391 HWY 16 Conover, NC 28163	0.20533 acres 1/120 of 24.64 acres	0.2567%	0.0317%	0.0708%	0.0082%
(4) Myrty N. Ratliff Heirs, Devisees, Successors or Assigns Address Unknown	4.92800 acres 1/5 of 24.64 acres	6.1600%	0.7620%	1.6980%	0.1977%
(5) Mona Webb Heirs, Devisees, Successors or Assigns					
(d) Virginia W. Cole Heirs Devisees, Successors or Assigns					
(d.3) Melissa M. Turner <i>Address Unknown</i>	0.08800 acres 1/280 of 24.64 acres	0.1100%	0.0136%	0.0303%	0.0035%
(d.4) Maura Nichole Turner <i>Address Unknown</i>	0.08800 acres 1/280 of 24.64 acres	0.1100%	0.0136%	0.0303%	0.0035%
(d.5) Garrett Reid Turner <i>Address Unknown</i>	0.08800 acres 1/280 of 24.64 acres	0.1100%	0.0136%	0.0303%	0.0035%
(d.6) Jordyn Noelle Turner <i>Address Unknown</i>	0.08800 acres 1/280 of 24.64 acres	0.1100%	0.0136%	0.0303%	0.0035%
(g) Robert W. Casey P. O. Box 45 Shortt Gap, VA 24647	0.70400 acres 1/35 of 24.64 acres	0.8800%	0.1089%	0.2426%	0.0282%

Tract #5, 1.23 Acre Tract

COALOWNERSHIP

(1) Hugh MacRae Land Trust, Tr. 17 c/o Alan Siegel Esq Gump, Strauss, Akin LLP 590 Madison Avenue, 20th Floor New York, NY 10022-2524	1.23 acres	1.5375%	0.1902%	0.4238%	0.0493%
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CBM Royalty Owner (from the Coal owner):

Torch Operating Company
c/o Sue Ann Craddock
670 Dona Ana Road SW
Deming, NM 88030

Exhibit E
Unit U-28
Docket # VGOB-97-0218-0564-02
List of Conflicting Owners/Claimants that require escrow

			Division of Interest in		
	Net Acres in Unit	Interest in Unit	2 Left 12.3699%	3 Left 27.5653%	4 Left 3.2092%
<u>OIL & GAS OWNERSHIP</u>					
(1) Gussie Johnson Rt. 1 Box 165 Raven, VA 24639	1.23 acres	1.5375%	0.1902%	0.4238%	0.0493%
<u>Tract #6, 0.75 Acre Tract</u>					
<u>COAL OWNERSHIP</u>					
(1) Hugh MacRae Land Trust, Tr. 17 c/o Alan Siegel Esq Gump, Strauss, Akin LLP 590 Madison Avenue, 20th Floor New York, NY 10022-2524	0.75 acres	0.9375%	0.1160%	0.2584%	0.0301%
<u>CBM Royalty Owner (from the Coal owner):</u>					
Torch Operating Company c/o Sue Ann Craddock 670 Dona Ana Road SW Deming, NM 88030					
<u>OIL & GAS OWNERSHIP</u>					
(1) Kathy Looney Rt. 1 Box 162A Raven, VA 24639	0.75 acres	0.9375%	0.1160%	0.2584%	0.0301%
<u>Tract #7, 0.49 Acre Tract</u>					
<u>COAL OWNERSHIP</u>					
(1) Hugh MacRae Land Trust, Tr. 17 c/o Alan Siegel Esq Gump, Strauss, Akin LLP 590 Madison Avenue, 20th Floor New York, NY 10022-2524	0.49 acres	0.6125%	0.0758%	0.1688%	0.0197%
<u>CBM Royalty Owner (from the Coal owner):</u>					
Torch Operating Company c/o Sue Ann Craddock 670 Dona Ana Road SW Deming, NM 88030					
<u>OIL & GAS OWNERSHIP</u>					
(1) Selma June Mullins Box 492 Keen Mountain, VA 24624	0.49 acres	0.6125%	0.0758%	0.1688%	0.0197%
<u>Tract #8, 5.18 Acre Tract</u>					
<u>COAL OWNERSHIP</u>					
(1) Hugh MacRae Land Trust, Tr. 17 c/o Alan Siegel Esq Gump, Strauss, Akin LLP 590 Madison Avenue, 20th Floor New York, NY 10022-2524	5.18 acres	6.4750%	0.8010%	1.7849%	0.2078%
<u>CBM Royalty Owner (from the Coal owner):</u>					
Torch Operating Company c/o Sue Ann Craddock 670 Dona Ana Road SW Deming, NM 88030					

Exhibit E
Unit U-28
Docket # VGOB-97-0218-0564-02
List of Conflicting Owners/Claimants that require escrow

			Division of Interest in		
	Net Acres in Unit	Interest in Unit	2 Left 12.3699%	3 Left 27.5653%	4 Left 3.2092%
<u>OIL & GAS OWNERSHIP</u>					
(1) Roscoe Deskins Rt. 1, Box 107 Raven, VA 24639	5.18 acres	6.4750%	0.8010%	1.7849%	0.2078%
<i>1728 Wardsell Rd Cedar Bluff, Va 24609</i>					
<u>Tract #11, 0.12 Acre Tract</u>					
<u>COAL OWNERSHIP</u>					
(1) Hugh MacRae Land Trust, Tr. 17 c/o Alan Siegel Esq Gump, Strauss, Akin LLP 590 Madison Avenue, 20th Floor New York, NY 10022-2524	0.12 acres	0.1500%	0.0186%	0.0413%	0.0048%
<u>CBM Royalty Owner (from the Coal owner):</u>					
Torch Operating Company c/o Sue Ann Craddock 670 Dona Ana Road SW Deming, NM 88030					
<u>OIL & GAS OWNERSHIP</u>					
(1) Larry Stacy Rt. 1, Box 162 Raven, VA 24639	0.12 acres	0.1500%	0.0186%	0.0413%	0.0048%
<u>Tract #12, 0.03 Acre Tract</u>					
<u>COAL OWNERSHIP</u>					
(1) Hugh MacRae Land Trust, Tr. 17 c/o Alan Siegel Esq Gump, Strauss, Akin LLP 590 Madison Avenue, 20th Floor New York, NY 10022-2524	0.03 acres	0.0375%	0.0046%	0.0103%	0.0012%
<u>CBM Royalty Owner (from the Coal owner):</u>					
Torch Operating Company c/o Sue Ann Craddock 670 Dona Ana Road SW Deming, NM 88030					
<u>OIL & GAS OWNERSHIP</u>					
(1) A.J. Harmon Heirs, Devisees, Successors or Assigns	0.03 acres	0.0375%	0.0046%	0.0103%	0.0012%
(a) Henry Harmon Rt. 1, Box 171 Raven, VA 24639	0.011 acres 4/11 of 0.03 acres	0.0136%	0.0017%	0.0038%	0.0004%
(b) Walter K. Keen P.O. Box 447 Raven, VA 24639	0.016 acres 6/11 of 0.03 acres	0.0205%	0.0025%	0.0056%	0.0007%
(c) Kendris Harmon 404 Fairway Drive Abingdon, VA 24210	0.003 acres 1/11 of 0.03 acres	0.0034%	0.0004%	0.0009%	0.0001%

Exhibit EE
Unit U-28
Docket #VGOB 97-0218-0564-02
List of Conflicting Owners/Claimants with Royalty Split Agreements

		Net Acres in Unit	Interest in Unit	Division of Interest in			Percent of Escrow
				2 Left 12.3699%	3 Left 27.5653%	4 Left 3.2092%	
<u>Tract #1, 24.64 Acre Tract</u>							
<u>COAL OWNERSHIP</u>							
(1)	Yukon Pocahontas Coal Company et al., Tr.110 (Only 3/5 interest conflicting)	24.64 acres	30.8000%	3.8099%	8.4901%	0.9884%	
(1)	Yukon Pocahontas Coal Company, et al. (Only 3/5 interest conflicting)	14.78 acres 3/5 of 24.64 acres	18.4800%	2.2860%	5.0941%	0.5931%	
(a)	Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	7.39200 acres 1/2 of 24.64 acres	9.2400%	1.1430%	2.5470%	0.2965%	1.3355%
(b)	Buchanan Coal Company P.O. Box 187 Tazewell, VA 24651	1.64267 acres 1/9 of 24.64 acres	2.0533%	0.2540%	0.5660%	0.0659%	0.2968%
(c)	Sayers-Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	0.82133 acres 1/18 of 24.64 acres	1.0267%	0.1270%	0.2830%	0.0329%	0.1484%
(d)	Consolidation Coal Company * 10545 Riverside Dr. Oakwood, VA 24631	4.92800 acres 1/3 of 24.64 acres					
<u>Royalties Paid to:</u>							
	Plum Creek Timberlands, L.P. Attn: Mineral Department One Concourse Parkway, Suite 755 Atlanta, GA 30328	4.92800 acres 1/3 of 24.64 acres	6.1600%	0.7620%	1.6980%	0.1977%	0.8903%
* Note: Plum Creek Timberlands retained their CBM interest, there is no conflict. The royalty for (d) is to be paid to Plum Creek.							
<u>OIL & GAS OWNERSHIP</u>							
	Yukon Pocahontas Coal Co. Tr. 110, et al.	24.64 acres	30.8000%	3.8099%	8.4901%	0.9884%	
(5)	Mona Webb Heirs, Devisees, Successors or Assigns						
(a)	Harold Webb 298 Morrell Town Rd. Bristol, TN 37620	0.70400 acres 1/35 of 24.64 acres	0.8800%	0.1089%	0.2426%	0.0282%	n/a
(b)	Harman Webb 106 3rd Avenue Richlands, VA 24641	0.70400 acres 1/35 of 24.64 acres	0.8800%	0.1089%	0.2426%	0.0282%	n/a
(c)	John Webb P. O.Box 577 Keen Mountain, VA 24624	0.70400 acres 1/35 of 24.64 acres	0.8800%	0.1089%	0.2426%	0.0282%	n/a
(d)	Virginia W. Cole Heirs Devisees, Successors or Assigns						
(d.1)	Carol Cole Ownbey 2908 Valley Farm Road Waxhaw, North Carolina 28173	0.17600 acres 1/140 of 24.64 acres	0.2200%	0.0272%	0.0606%	0.0071%	0.4452%
(d.2)	Barbara Cole Maxwell 5780 Chicwood Drive Pulaski, VA 24301	0.17600 acres 1/140 of 24.64 acres	0.2200%	0.0272%	0.0606%	0.0071%	0.4452%
(e)	Emma R. Hurbert Heirs, Devisees, Successors, or Assigns						
(e.1)	Bill Chambers 8940 Mill Creek Road Millboro, VA 24460	0.70400 acres 1/35 of 2.14 acres	0.8800%	0.1089%	0.2426%	0.0282%	1.7807%
(f)	Ruby W. Wells 5980 Pearl Road Parma Heights, OH 44130	0.70400 acres 1/35 of 24.64 acres	0.8800%	0.1089%	0.2426%	0.0282%	n/a

Exhibit EE
Unit U-28
Docket #VGOB 97-0218-0564-02
List of Conflicting Owners/Claimants with Royalty Split Agreements

		Division of Interest in					
	Net Acres in Unit	Interest in Unit	2 Left 12.3699%	3 Left 27.5653%	4 Left 3.2092%	Percent of Escrow	
<u>Tract #9, 3.18 Acre Tract</u>							
<u>COAL OWNERSHIP</u>							
(1)	Hugh MacRae Land Trust, Tr. 17 c/o Alan Siegel Esq Gump, Strauss, Akin LLP 590 Madison Avenue, 20th Floor New York, NY 10022-2524	3.18 acres	3.9750%	0.4917%	1.0957%	0.1276%	n/a
<u>CBM Royalty Owner (from the Coal owner):</u>							
Torch Operating Company c/o Sue Ann Craddock 670 Dona Ana Road SW Deming, NM 88030							
<u>OIL & GAS OWNERSHIP</u>							
(1)	CNX Gas Company LLC (Consolidation Coal Company) 2481 John Nash Blvd. Bluefield, WV 24701	3.18 acres	3.9750%	0.4917%	1.0957%	0.1276%	n/a

INSTRUMENT #120001100
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
JUNE 4, 2012 AT 02:57PM

BEVERLY S. TILLER, CLERK
RECORDED BY: GGB

First Bank
& Trust Company
Trade Date 06/13/2012
Settlement Date 06/13/2012
Health Management Group

Time Modified 06/13/2012
Description VGOB Docket # 97-0218-0564-02
Well: U-28 Tract # 1
Payee Carol Cole Owenby
FBO Carol Cole Owenby
Tax Year 2012
Transaction Type Distribution Per Virginia Gas & Oil Board

Check Number 29305
Gross Distribution \$168.50
Less:
Net Distribution \$168.50

8000564 - U28

Trade Date 06/13/2012
Settlement Date 06/13/2012
Time Modified 06/13/2012
Description VGOB Docket # 97-0218-0564-02
Well: U-28 Tract # 1
Payee Carol Cole Owenby
FBO Carol Cole Owenby
Tax Year 2012
Transaction Type Distribution Per Virginia Gas & Oil Board

Check Number 29305
Gross Distribution \$168.50
Less:
Net Distribution \$168.50

THIS DOCUMENT HAS A MULTI-COLORED FACE THAT CHANGES COLOR GRADUALLY.

SEE LIST OF SECURITY FEATURES ON THE BACK. DO NOT CASH UNLESS ALL ARE PRESENT.

First Bank
& Trust Company
Health Management Group
8000564 - U28

TRUST DIVISION
38 E VALLEY DRIVE
BRISTOL, VA 24201
(866) 505-1496

06/13/2012

68-446
514

CHECK NO. 029305

\$168.50

One hundred sixty eight and 50/100

Dollars

PAY TO THE ORDER OF

CAROLD COLE OWENBY
2908 VALLEY FARM ROAD
WAXHAW NC 28173

Carol Cole Owenby

⑈029305⑈ ⑈051404464⑈ 2001 004 7⑈

First Bank
& Trust Company
Health Management Group

Trade Date 06/13/2012

Settlement Date 06/13/2012

Time Modified 06/13/2012

Description VGOB Docket # 97-0218-0564-02
Well: U-28 Tract # 1

Payee Barbara Cole Maxwell

FBO Barbara Cole Maxwell

Tax Year 2012

Transaction Type Distribution Per Virginia Gas & Oil Board

Check Number 29306

Gross Distribution \$168.50

Less:

Net Distribution \$168.50

8000564 - U28

Trade Date 06/13/2012

Settlement Date 06/13/2012

Time Modified 06/13/2012

Description VGOB Docket # 97-0218-0564-02
Well: U-28 Tract # 1

Payee Barbara Cole Maxwell

FBO Barbara Cole Maxwell

Tax Year 2012

Transaction Type Distribution Per Virginia Gas & Oil Board

Check Number 29306

Gross Distribution \$168.50

Less:

Net Distribution \$168.50

THIS DOCUMENT HAS A MULTI-COLORED FACE THAT CHANGES COLOR GRADUALLY.

SEE LIST OF SECURITY FEATURES ON THE BACK. DO NOT CASH UNLESS ALL ARE PRESENT.

First Bank
& Trust Company
Health Management Group

8000564 - U28

TRUST DIVISION
 38 E VALLEY DRIVE
 BRISTOL, VA 24201
 (866) 505-1496

06/13/2012

68-446
514CHECK
NO. 029306

\$168.50

One hundred sixty eight and 50/100

Dollars

PAY TO THE ORDER OF

BARBARA COLE MAXWELL
 5780 CHICWOOD DRIVE
 PULASKI VA 24301



⑈029306⑈ ⑈051404464⑈ 2001 004 7⑈

First Bank
& Trust Company
Health Management Group

Trade Date 06/13/2012
 Settlement Date 06/13/2012
 Time Modified 06/13/2012
 Description VGOB Docket # 97-0218-0564-02
 Well: U-28 Tract # 1

Less:

Check Number 29307
 Gross Distribution \$673.94

Payee Bill A. Chambers
 FBO Bill A. Chambers
 Tax Year 2012
 Transaction Type Distribution Per Virginia Gas & Oil Board

Net Distribution \$673.94

8000564 - U28

Trade Date 06/13/2012
 Settlement Date 06/13/2012
 Time Modified 06/13/2012
 Description VGOB Docket # 97-0218-0564-02
 Well: U-28 Tract # 1

Less:

Check Number 29307
 Gross Distribution \$673.94

Payee Bill A. Chambers
 FBO Bill A. Chambers
 Tax Year 2012
 Transaction Type Distribution Per Virginia Gas & Oil Board

Net Distribution \$673.94

THIS DOCUMENT HAS A MULTI-COLORED FACE THAT CHANGES COLOR GRADUALLY.

SEE LIST OF SECURITY FEATURES ON THE BACK. DO NOT CASH UNLESS ALL ARE PRESENT.

06/13/2012

68-446
514CHECK
NO. 029307

First Bank
& Trust Company
Health Management Group
 8000564 - U28

TRUST DIVISION
 38 E VALLEY DRIVE
 BRISTOL, VA 24201
 (866) 505-1496

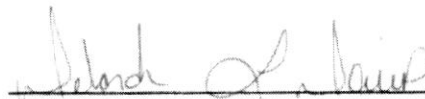
\$673.94

Six hundred seventy three and 94/100

Dollars

PAY TO THE ORDER OF

BILLA CHAMBERS
 8940 MILL CREEK ROAD
 MILLBORO VA 24460-2325



First Bank
8000564 - U28
Trade Date 06/13/2012
Settlement Date 06/13/2012
Time Modified 06/13/2012
Description VGOB Docket # 97-0218-0564-02
Well: U-28 Tract # 1

Payee Yukon Pocahontas Coal Company
FBO Yukon Pocahontas Coal Company
Tax Year 2012
Transaction Type Distribution Per Virginia Gas & Oil Board

Check Number 29308
Gross Distribution \$505.45
Less:
Net Distribution \$505.45

8000564 - U28

Trade Date 06/13/2012
Settlement Date 06/13/2012
Time Modified 06/13/2012
Description VGOB Docket # 97-0218-0564-02
Well: U-28 Tract # 1

Payee Yukon Pocahontas Coal Company
FBO Yukon Pocahontas Coal Company
Tax Year 2012
Transaction Type Distribution Per Virginia Gas & Oil Board

Check Number 29308
Gross Distribution \$505.45
Less:
Net Distribution \$505.45

THIS DOCUMENT HAS A MULTI-COLORED FACE THAT CHANGES COLOR GRADUALLY.

SEE LIST OF SECURITY FEATURES ON THE BACK. DO NOT CASH UNLESS ALL ARE PRESENT.

First Bank
& Trust Company
Wealth Management Group
8000564 - U28

TRUST DIVISION
38 E VALLEY DRIVE
BRISTOL, VA 24201
(866) 505-1496

06/13/2012

68-446
514

CHECK
NO. 029308

\$505.45

Five hundred five and 45/100

Dollars

PAY TO THE ORDER OF

YUKON POCAHONTAS COAL COMPANY
312 W MAIN STREET
PO BOX 187
TAZEWELL VA 24651

John A. Davis

⑈029308⑈ ⑈051404464⑈ 2001 004 7⑈

8000564 - U28
First Bank
& Trust Company
Health Management Group

Trade Date 06/13/2012
Settlement Date 06/13/2012
Time Modified 06/13/2012
Description VGOB Docket # 97-0218-0564-02
Well: U-28 Tract # 1
Payee Buchanan Coal Company
FBO Buchanan Coal Company
Tax Year 2012
Transaction Type Distribution Per Virginia Gas & Oil Board

Less:

Check Number 29309
Gross Distribution \$112.33
Net Distribution \$112.33

8000564 - U28

Trade Date 06/13/2012
Settlement Date 06/13/2012
Time Modified 06/13/2012
Description VGOB Docket # 97-0218-0564-02
Well: U-28 Tract # 1
Payee Buchanan Coal Company
FBO Buchanan Coal Company
Tax Year 2012
Transaction Type Distribution Per Virginia Gas & Oil Board

Less:

Check Number 29309
Gross Distribution \$112.33
Net Distribution \$112.33

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First Bank
& Trust Company

Health Management Group
8000564 - U28

TRUST DIVISION
38 E VALLEY DRIVE
BRISTOL, VA 24201
(866) 505-1496

06/13/2012

68-446
514

CHECK NO. 029309

\$112.33

One hundred twelve and 33/100

Dollars

PAY TO THE ORDER OF

BUCHANAN COAL COMPANY
312 W MAIN STREET
PO BOX 187
TAZEWELL VA 24651

Michael R. Smith

029309 1051404464 2001 004 711

First Bank
& Trust Company
Trade Date 06/13/2012
Settlement Date 06/13/2012
Time Modified 06/13/2012

Description VGOB Docket # 97-0218-0564-02
Well: U-28 Tract # 1

Payee Sayers Pocahontas Coal Company

FBO Sayers Pocahontas Coal Company

Tax Year 2012

Transaction Type Distribution Per Virginia Gas & Oil Board

Check Number 29310

Gross Distribution \$56.17

Less:

Net Distribution \$56.17

8000564 - U28

Trade Date 06/13/2012

Settlement Date 06/13/2012

Time Modified 06/13/2012

Description VGOB Docket # 97-0218-0564-02
Well: U-28 Tract # 1

Payee Sayers Pocahontas Coal Company

FBO Sayers Pocahontas Coal Company

Tax Year 2012

Transaction Type Distribution Per Virginia Gas & Oil Board

Check Number 29310

Gross Distribution \$56.17

Less:

Net Distribution \$56.17

THIS DOCUMENT HAS A MULTI-COLORED FACE THAT CHANGES COLOR GRADUALLY.

SEE LIST OF SECURITY FEATURES ON THE BACK. DO NOT CASH UNLESS ALL ARE PRESENT.

First Bank
& Trust Company

8000564 - U28

TRUST DIVISION
38 E VALLEY DRIVE
BRISTOL, VA 24201
(866) 505-1496

06/13/2012

68-446
514

CHECK
NO. 029310

\$56.17

Dollars

Fifty six and 17/100

PAY TO THE ORDER OF

SAYERS POCAHONTAS COAL COMPANY
312 W MAIN STREET
PO BOX 187
TAZEWELL VA 24651

[Signature]

029310 0514044641 2001 004 711

8000564 - U28
First Bank & Trust Company
Trade Date 06/13/2012
Settlement Date 06/13/2012
Health Management Group

Time Modified 06/13/2012
Description VGOB Docket # 97-0218-0564-02
Well: U-28 Tract # 1
Payee Plum Creek Timberlands, LP
FBO Plum Creek Timberlands, LP
Tax Year 2012
Transaction Type Distribution Per Virginia Gas & Oil Board

Less:

Check Number 29311
Gross Distribution \$336.95
Net Distribution \$336.95

8000564 - U28

Trade Date 06/13/2012
Settlement Date 06/13/2012
Time Modified 06/13/2012
Description VGOB Docket # 97-0218-0564-02
Well: U-28 Tract # 1
Payee Plum Creek Timberlands, LP
FBO Plum Creek Timberlands, LP
Tax Year 2012
Transaction Type Distribution Per Virginia Gas & Oil Board

Less:

Check Number 29311
Gross Distribution \$336.95
Net Distribution \$336.95

THIS DOCUMENT HAS A MULTI-COLORED FACE THAT CHANGES COLOR GRADUALLY.

SEE LIST OF SECURITY FEATURES ON THE BACK. DO NOT CASH UNLESS ALL ARE PRESENT.

First Bank & Trust Company
Health Management Group
8000564 - U28

TRUST DIVISION
38 E VALLEY DRIVE
BRISTOL, VA 24201
(866) 505-1496

06/13/2012

68-446
514

CHECK NO. 029311

\$336.95

Dollars

Three hundred thirty six and 95/100

PAY TO THE ORDER OF

PLUM CREEK TIMBERLANDS LP
PO BOX 1990
COLUMBIA FALLS MT 59912

[Signature]

⑈029311⑈ ⑈051404464⑈ 2001 004 7⑈